

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:06CR126-FDW-DSC**

UNITED STATES OF AMERICA)	
)	
v.)	<u>O R D E R</u>
)	
MERCEDES FARQUHARSON,)	
)	
Defendant.)	

THIS MATTER is before the Court pursuant to a letter dated October 14, 2011 from Warden Joe Keffer of the Federal Medical Center Carswell in Fort Worth, Texas and a Forensic Evaluation Report by Leslie Powers, Ph.D., dated September 30, 2011. It is Dr. Powers' professional opinion that Defendant "is not presently suffering from a mental disease or defect as a result of which her release would create a substantial risk of bodily injury to another person or serious damage to property of another." The Court held a hearing regarding this report on November 9, 2011.

Upon examination of the record in this case, the Court finds that Defendant is presently suffering from a mental disease or defect rendering her mentally incompetent to the extent that she is unable to understand the nature and consequences of the proceedings against her and to assist properly in her defense. Additionally, the Court finds that pursuant to 18 U.S.C. § 4246(b) Defendant's release would not create a substantial risk of bodily injury to another person or serious damage to property of another.

Accordingly, based of the foregoing, **the Court finds that:**

1. That Defendant is incompetent to stand trial; and

2. That Defendant's release would not create a substantial risk of bodily injury to another person or serious damage to property of another.

The Clerk is directed to certify copies of this Order to defense counsel, the United States Attorney, and the United States Marshal, with two additional copies for transmittal by the Marshal to the Warden of the designated institution.

SO ORDERED.

Signed: November 14, 2011



David S. Cayer
United States Magistrate Judge

